Case	5:23-cv-00515-HDV-JPR Docur	nent 58 #:494	Filed 09/10/24	Page 1 of 4 Page ID
1 2 3 4 5 6 7 8 9	LAW OFFICES OF DALE K. GALIPO Dale K. Galipo, Esq. (SBN 144074) dalekgalipo@yahoo.com Marcel F. Sincich, Esq. (SBN 319508) msincich@galipolaw.com 21800 Burbank Boulevard, Suite 310 Woodland Hills, CA 91367 Phone: (818) 347-3333 Fax: (818) 347-4118 LAW OFFICES OF GRECH & PACKER Trenton C. Packer (SBN 241057) tpacker@grechpackerlaw.com 7095 Indiana Ave Ste 200 Riverside, CA 92506 Phone: (951) 682-9311 Attorneys for Plaintiff EDGAR SOLIS			
11	UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA			
12	CENTRAL DISTRICT OF CALIFORNIA			
13	EDGAR SOLIS,		Case No.: 5:2	3-cv-00515-HDV-JPR
14	Plaintiff,		[Honoughlo I	Iomán D. Vougl
15	VS.			<i>Iernán D. Vera</i>] dge Jean P. Rosenbluth
16	STATE OF CALIFORNIA; and	l	NOTICE OF	
17	MICHAEL BELL,		5.2.2(b) <i>EX F</i>	LOCAL RULE 79- PARTE APPLICATION
18	Defendants.			RTE APPLICATION E TO FILE UNDER
19			PLAINTIFF	BIT IN SUPPORT OF 'S MOTIONS <i>IN</i>
20			LIMINE	
21				[LE 79-5.2.2(b)]
22			Notice of Mai	of Marcel F. Sincich, nuel Filing, and
23			[Proposed] Of herewith]	rder filed concurrently
24			Hearing on N	Motions in Limine:
25			October 1, 20	24 at 09:00 a.m.
				l Conference: 24 at 10:00 a.m.
26			Jury Trial	
27			October 29, 2 Ctrm: 10D	024 at 09:00 a.m.
28				
	-1- Case No. 5:23-cv-00515-HDV-JPR PLAINTIFF'S EXPARTE APPLICATION TO FILE EXHIBIT UNDER SEAL IN SUPPORT OF PLAINTIFF'S MOTIONS IN LIMINE			

TO THIS HONORABLE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff EDGAR SOLIS, through Plaintiff's counsel Marcel F. Sincich, will and hereby do seek leave of this Court to file, under seal, Plaintiff's Exhibit attached to the Declaration of Marcel F. Sincich in support of Plaintiff's Motions *in Limine*.

This is a civil rights officer-involved shooting case. Defendants marked the documents that it produced during discovery (which comprise the police department's investigation into the shooting) as "Confidential." As such, they are governed by the operative Protective Order in this case (Doc. 37), which is intended to shield these documents from public view. In order to comply with the Protective Order, Plaintiff hereby requests that the Court consider whether the following document shall be filed under seal: the March 8, 2022, Initial Statement of Officer Michael Bell describing the incident.

The above document is cited in Plaintiff's Motions *in Limine* and is necessary to this Court's consideration and ruling.

18 Respectfully submitted,

Date: September 10, 2024 LAW OFFICES OF DALE K. GALIPO

/s Marcel F. Sincich

Dale K. Galipo
Marcel F. Sincich
Attorneys for Plaintiff

APPLICATION TO FILE UNDER SEAL

Pursuant to L.R. 79-5.2.2(b), Plaintiff EDGAR SOLIS, hereby respectfully submit their application to file under seal the following document, attached an exhibit to the Declaration of Marcel F. Sincich in Support of Plaintiff's Motions *in Limine*: the March 8, 2022, Initial Statement of Defendant Officer Michael Bell contemporaneously describing the incident.

The basis for seeing this request is that documents subject to the Protective Order are necessary to Plaintiff's Motions *in Limine*, which were filed on September 10, 2024.

These documents have been designated by Defendants as confidential pursuant to the protective order entered by Magistrate Judge Jean P. Rosenbluth on August 31, 2023 (Doc. 37). Defendants designated these documents as "Confidential."

Local Rule 7-19 Compliance

Prior to filing this *ex parte* application, Plaintiff's counsel contacted Defense counsel, both by email and telephone, in compliance with Local Rule 7-19 through 7-19.1. (See Sincich Decl. at ¶¶ 2-3.)

Defense counsel is:

DAVID KLEHM

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

26

27

28

Deputy Attorney General

600 West Broadway, Suite 1800

21 | San Diego, CA 92101

P.O. Box 85266

San Diego, CA 92186-5266

23 | Telephone: (619) 738-9567

Fax: (619) 645-2581

24 E-mail: David.Klehm@doj.ca.gov

25 | Attorneys for Defendant STATE OF CALIFORNIA and MICHAEL BELL

In advance of Plaintiff's Application, counsel for Plaintiff and Defendants corresponded regarding Plaintiff's intention to file exhibits that are subject to the

Protective Order. It is Plaintiff's understanding that Defendants will oppose this 1 2 Application given that Plaintiffs request these documents to be filed regularly. 3 Plaintiff's counsel provided defense counsel with a copy of the Declaration of Marcel F. Sincich pursuant to L.R. 79-5.2.2(b). See Sincich Decl. at ¶¶9-10. 4 5 Plaintiff files this application pursuant to L.R. 79-5.2.2(b) on an ex parte basis because this exhibit is necessary to Plaintiff's Motions in Limine, and by the time 6 the parties finished their conference of counsel and Plaintiff began drafting his 7 8 motions, there was insufficient time in advance of the September 10, 2024, filing 9 deadline for motions in limine for hearing of this application to be heard as a regularly noticed motion. Id. at ¶4. 10 11 Plaintiff contends that this statement of the shooting officer directly relates to this civil right officer-involved shooting case and necessary to Plaintiff's motions in 12 13 limine. Plaintiff contends that this document is not confidential, and that nothing in this document requires secrecy from the public on these public issues. Further, this 14 document should not be hidden from the public because it establishes a disputed 15 issue of material fact and evidentiary issues that must be ruled upon prior to trial. 16 17 For the reasons set forth in the Declaration of Marcel F. Sincich in Support of 18 Application for Leave to File Under Seal an Exhibit in Support of Plaintiff's 19 Motions in Limine, filed concurrently herewith, Plaintiff respectfully request that 20 this Court DENY this application, and order that this document be filed 21 regularly through the Court's CM/ECF system. 22 23 Respectfully submitted, 24 Date: September 10, 2024 LAW OFFICES OF DALE K. GALIPO 25 /s Marcel F. Sincich Dale K. Galipo 26 Marcel F. Sincich 27 Attorneys for Plaintiff

28